

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Novartis and Par Antitrust Litigation

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:
: Case No. 1:18-cv-04361-AKH
:
:

This Document Relates to:

1:18-cv-09861-AKH

**DEFENDANTS' NOTICE OF MOTION TO DISMISS
WALGREEN CO.'S AND THE KROGER CO.'S CLAIMS FOR INJUNCTIVE RELIEF**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law, Defendants¹ Novartis Pharmaceuticals Corporation and Par Pharmaceutical, Inc., by and through undersigned counsel, hereby move this Court, before the Honorable Alvin K. Hellerstein, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY, for an order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing Plaintiffs Walgreen Co.'s and The Kroger Co.'s claims for injunctive relief for failure to state a claim upon which relief can be granted, and granting such other and further relief as the Court deems just and proper.

¹ Novartis AG is a named defendant, but has not been served with Walgreen Co.'s and The Kroger Co.'s complaint.

November 9, 2018

Respectfully submitted,

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